IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

Crl.Rev.Pet.No. 4072 of 2006()

CRA.20/2002 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
CC.256/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

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REVN. PETITIONER/APPELLANT/ACCUSED:

THOMAS V. JOHN @ ROY
S/O. JOHN
VETTIKIZHAKKETHIL, KOZHUVALLUR MURI
VENMONY VILLAGE, ALAPPUZHA DT.

BY ADV. SRI.P.VINODKUMAR

RESPONDENT/RESPONDENT/COMPLAINANT:

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1. P.C. JOSEPH, S/O. CHACKO
   PLAVUNILKKUNATHIL SAJI VILLA
   VENMONY VILLAGE, ALAPPUZHA DT.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINAL HEARD ON 21/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4072 OF 2006

Dated this the 21st day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.5,000/- and in default of payment of fine to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in Crl.A.No.20/2002 on the file of the Court of the Additional Sessions Judge II, Mavelikara. The appellate court dismissed the appeal and confirmed the conviction and sentence.

2. The learned counsel for the petitioner/accused and the first respondent/complainant submitted that the sentence can be modified directing the petitioner to pay compensation of Rs.90,000/-. Accordingly, the Crl.R.P. is partly allowed. The conviction is confirmed. The sentence imposed by the courts below is modified and reduced to imprisonment till the rising of the court. The petitioner shall pay a compensation of Rs.90,000/-

to the first respondent/complainant under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation, the petitioner/accused shall undergo simple imprisonment for a period of one month. The petitioner/accused is granted two months time to pay the compensation. It is agreed by the parties that the compensation if paid by the revision petitioner, the same shall be adjusted towards the decree amount in O.S. No.467 of 1998 on the file of the Munsiff Court, Chengannur.

Crl.R.P. is partly allowed as indicated above.

K.T.SANKARAN,
JUDGE

csl

Crl.M.A.No. 11271/2006

This is an application to condone the delay of 363 days in filing the revision. The first respondent entered appearance. It is submitted by the counsel for the revision petitioner, can be disposed of directing the petitioner/accused to pay compensation under Section 357(3) of Code of Criminal Procedure. In this circumstances, the delay is condoned.

Number the Crl. R.P.